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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,457

06/14/2006

Marc Andre Peters

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

YU, XIANG

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

07/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,457	Applicant(s) PETERS ET AL.	
	Examiner XIANG YU	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

1. This Office Action is in response to the communications for the present US application number 10/596,457 last filed on March 11th, 2009, where claims 1-6, 8-13, and 15-21 are pending and have been examined.

Previous claim objections have been withdrawn in view of the newly amended claims.

The examiner respectfully disagrees with applicant's remarks/arguments. As to claims 1, 8, 15, 19, and 21, *Logan et al.* does teaches/suggests the concept of providing a metadata, which can consist of a set of specific identifiers, which links the requesting user(s) to some specific requested data content(s). While the "group of peers" is not labeled, they are the ones that actively go and request for the data from the storage. In examining the newly amended claim (i.e. claim 1), by replacing the word "enabling" with the comprising fragment:

"a method of providing a specific one of multiple identifiers for linking a content broadcast to the specific group of peers among multiple groups of peers on a peer-to-peer network."

The one of out of multiple identifiers is one of the identifiers within the set of the metadata. The specific group of peers would be the group of active seekers that actively go and request for the data or identifiers to the data. As for the rest of the

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peers, they can form a second or third or multiple group(s) of individuals who do not actively go and request for the data. Thus, *Logan* still applies.

In addition, the claim does not specify whether all the individuals within the group of peers are getting the data identifier(s) all together at once, or simply that the identifier is there and available to point to the actual data content to those in need (such as specifically one individual within that group of active seekers.

The applicant's intention to mean for the whole group of peers to be included and to be receiving the identifier for the content broadcast is covered as well with the new rejections.

See the new claim rejections for further clarifications. Applicant's arguments are thus not persuasive.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8-13, and 15-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0093790 A1 to *Logan et al.* ("*Logan*") in view of U.S. Patent Publication No. US 2002/0156875 A1 to *Pabla, Kuldipsingh* ("*Pabla*").

As to **claim 1**, *Logan* discloses a **method of enabling to identify a specific group of peers among multiple groups of peers on a peer-to-peer network, the enabling comprising providing a specific one of multiple identifier for linking a content broadcast to the specific group of peers** (the metadata, which can consist of a set of multiple identifiers stored within the metadata storage, 133, which would act as a registry, directory, or resource node to provide the requester with the requested content. In addition, the metadata provides the link to the specific group of active individuals that actively go request and retrieve that data. Those who actively go and request for content data are identified and categorized to be within an active group of individuals. While the requested content is readily provided upon request, it still does not mean that everyone in that active group is getting it right then and there, just that it is readily available for anyone to actively go and request and retrieve that data, e.g. *Logan*: paragraphs [0092-93]).

For the other interpretation, wherein the identifier identifies and links to a whole specific group of peers, *Pabla* more expressly discloses the concept with peers forming groups and having the peer group name registered within a server. The requester can look up a peer group name and/or the peer group identifier from the server, which can also contain information regarding all the individual peers within the group and other services and contents (e.g. *Pabla*: paragraph [0060]).

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Logan and *Pabla* are analogous art because they are in the same field of endeavor with respect to providing information in a peer-to-peer environment.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine *Pabla*'s concept of peer group name identifiers stored within a server within *Logan*'s concept of the metadata that provide the requested data for linking to a whole group of peers within a peer-to-peer network environment. The motivation for combining them would be obvious as the peer group name identifier could be part of the set of identifiers within the metadata, which is stored within the metadata storage or the peer name server. The identifier would also point the requester to the peer group and their related contents and services.

As to **claim 2**, *Logan* further discloses **the method as claimed in claim 1, wherein the specific identifier is provided via the content broadcast** (the metadata is broadcasted through the EPG and is readily available to active requesters, e.g. *Logan*: paragraphs [0092] and [0102]).

As to **claim 3**, *Logan* further discloses **the method as claimed in claim 1, wherein the specific identifier is provided via an Electronic Program Guide** (program guide, e.g. *Logan*: paragraphs [0095] and [0128]).

As to **claim 4**, *Logan* further discloses **the method as claimed in claim 1, wherein said method further comprises deriving the specific identifier from a further identifier representative of the content broadcast**

(identification metadata which is created and based on the metadata from other users' previous interactions and wherein the metadata consists of the one or more identifiers, e.g. *Logan*: paragraphs [0093-0095]).

As to **claim 5**, *Logan* further discloses **the method as claimed in claim 4, wherein said method further comprises providing the further identifier via the content broadcast** (the identifying metadata are further created to help identify the programming source from the original broadcast, e.g. *Logan*: paragraph [0094]).

As to **claim 6**, *Logan* further discloses **the method as claimed in claim 4, wherein said method further comprises providing the further identifier via an Electronic Program Guide** (program guide, e.g. *Logan*: paragraph [0095] and [0128]).

As to **claims 8-13**, see the similar conceptual rejections of claims 1-6.

As to **claim 15-18**, see the similar conceptual rejections of claims 1-4.

As to **claim 19 and 20**, see the similar conceptual rejections of claims 1 and 4.

As to **claim 21**, see the similar conceptual rejections of claim 1.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm with every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. Y./

Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445